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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/763,053, Filed 1/21/04
Inventor(s): Hartle et al.

DIMETALHYDROXY MALATE FORTIFIED FOOD MATRICES
Attorney Docket No. 21422.CIP

Dear Sir/Madam:

Transmitted herewith for filing and pursuant to 37 C.F.R. §§ 1.56 and 1.97 is an
Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§
1.97 and 1.98:

- ☒ Form PTO-1449 list of 11 (eleven) reference(s) submitted for consideration.
- ☐ Legible copies of the listed references or their relevant portions.
- ☐ All English translations of each non-English reference, if any, within the
possession, custody, control or availability of anyone designated in 37 C.F.R. §
1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

- ☐ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- ☒ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

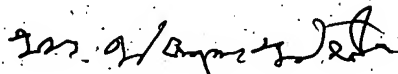
In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

- ☐ Statement under 37 C.F.R. § 1.97(e)(1) or (2).
- ☐ Check No. _____ in the amount of \$180.00 (amount in § 1.17(p)) constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Statement meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 20-0100 of the undersigned.


Dated this 4th day of May, 2004.

Respectfully submitted,



M. Wayne Western
Attorney for Applicant
Registration No. 22,788

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Sandy, Utah 84091-1219
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MWW/GPO/em
Enclosures



PATENT APPLICATION
Attorney Docket No.: 21422.CIP

IN THE UNITED STATES PATENT & TRADEMARKS OFFICE

<p>APPLICANT: Hartle et al.</p> <p>SERIAL NO.: 10/763,053</p> <p>FILED: 1/21/04</p> <p>FOR: DIMETALHYDROXY MALATE FORTIFIED FOOD MATRICES</p> <p>ATTORNEY DOCKET NO. 21422.CIP</p>	<p>INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97</p> <p>CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8</p> <p>DATE OF DEPOSIT: <u>5/4/04</u></p> <p>I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p> Emily Mecham</p>
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that this Information Disclosure Statement is filed pursuant to:

☒ 37 C.F.R. § 1.97 (b)(1) or (3), within three months of the filing date of the application, or before a first office action on the merits, whichever occurs last;

☐ 37 C.F.R. § 1.97 (c), after a first office action on the merits, but before a Final Office Action or a Notice of Allowance, whichever occurs first, and is accompanied by either 1) a statement in accordance with 37 C.F.R. § 1.97(e), or 2) the fee set forth in § 1.17(p); or

☐ 37 C.F.R. § 1.97 (d), after a Final Office Action or Notice of Allowance, whichever occurs first, but on or before payment of the issue fee, and is accompanied by both 1) a statement in accordance with 37 C.F.R. § 1.97(e), and 2) the fee set forth in § 1.17(p).

While no representation is made that any of these references may be "prior art" within the meaning of that term in accordance with 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously submitted or listed, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

The references listed in the accompanying Form PTO-1449 are not enclosed because, under 37 C.F.R. § 1.98(d), they were previously cited by or submitted to the Office in application number 10/310,108, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

For all listed references that are not either in the English language, or accompanied by a translation into English, a concise explanation of relevance as required under 37 C.F.R. § 1.98(a)(3) is enclosed attached to each.

Please charge any additional fees or credit any overpayment to Deposit Account No. 20-0100.

Dated this 4th day of May, 2004.

Respectfully submitted,



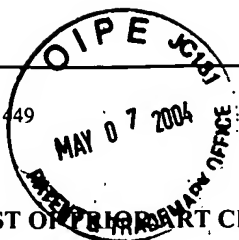
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PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
21422.CIPSERIAL NO.
10/763,053

LIST OF PRIOR ART CITED BY APPLICANT

APPLICANT Hartle et al.

FILING DATE
1/21/04

GROUP

U.S. PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	4,461,778	07/24/1984	Vialatte nee Geolier			
	A2	4,830,862	05/16/1989	Braun et al.			
	A3	5,068,421	11/26/1991	Hornig			
	A4	5,186,965	02/16/1993	Fox et al.			
	A5	5,298,634	03/29/1994	Connor et al.			
	A6	5,389,387	02/14/1995	Zuniga et al.			
	A7	5,401,524	03/24/1995	Burkes et al.			
	A8	5,422,128	06/06/1995	Burkes et al.			
	A9	6,294,207	09/25/2001	Christiansen et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	A10						
	A11						
	A12						
	A13						
	A14						

OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)

	A15	ABSTRACT: Henry MH and GM Pesti, <i>An Investigation of Calcium Citrate-malate as a Calcium Source for Young Broiler Chicks</i> , POULT SCI 2002 Aug;81(8):1149-55.
	A16	ABSTRACT: Mithieux G, FV Vega, and JP Riou, <i>The Liver Glucose-6-phosphatase of Intact Microsomes is Inhibited and Displays Signoid Kinetics in the Presence of Alpha-ketoglutarate-magnesium and Oxaloacetate-magnesium Chelates</i> , J BIOL CHEM 1990 NOV 25;265(33): 20364-8.
	A17	
EXAMINER		DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication with applicant.

* Not in file